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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,550	05/21/2007	Giovanni Stefani	292784US6PCT	9838
22850	7590	09/16/2010		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
YABUT, DANIEL D				
ART UNIT		PAPER NUMBER		
3656				
NOTIFICATION DATE		DELIVERY MODE		
09/16/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/583,550

Applicant(s)

STEFANI, GIOVANNI

Examiner

DANIEL YABUT

Art Unit

3656

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25, 35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25, 35 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 25, 35, and 36 rejected under 35 U.S.C. 102(e) as being anticipated by Kiezek et al. (US Patent 7,111,524 B2).

Kiezek et al. discloses an adjustable set of pedals for a motor vehicle (Fig. 9) comprising a(n):

Re claim 25

- First pedal (14) for braking of the motor vehicle
- Second pedal (14; Fig. 9) for acceleration of the motor vehicle
- Slide (near 36; Fig. 1) supporting the first and second pedals
- Adjustment device (Fig. 2 and Fig. 4) for controlling selectively the position of the slide with respect to a frame (at 12) of the motor vehicle and comprising a crank mechanism (at 14) set between the slide and the frame
- Adjustment device comprising a(n):
 - First guide (18, 20) extending in a first direction and slidably supporting the slide which is slidably mobile along the first guide

- Control rod (at 54, 36; Fig. 2) parallel to the first direction, slidably engaged through the first pedal, and connectable with the first pedal for actuating a braking device of the motor vehicle
- First clamp (44, 50) actuatable to be clamped for blocking the sliding movement of the slide along the first guide
- First actuator device including a cable (60) for actuating the first clamp between a first position of clamping of the slide along the first guide and a first position of release (Fig. 2), wherein the first clamp comprises a plurality of first clamping members (at 44, 40, 50, 53) carried by the slide (Fig. 4), distributed around the first guide (Fig. 4), and mobile away from and towards the first guide (at 54; Fig. 2), and the first actuator device comprises a first actuator (84) for displacing the first clamping members from the first position of clamping to the first position of release, and a second actuator (72) for displacing the first clamping members from the first position of release to the first clamping position (C7 / L11-49).

Re claim 35

- First pedal (14) for braking of the motor vehicle
- Second pedal (14; Fig. 9) for acceleration of the motor vehicle
- Slide (near 36) supporting the first and second pedals
- Adjustment device (Fig. 2 and Fig. 4) for controlling selectively the position of the slide with respect to a frame of the motor vehicle and comprising a crank mechanism (at 14; Fig. 4) set between the slide and the frame

- Adjustment device comprising a(n):
 - First guide (at 18, 20) extending in a first direction and slidably supporting the slide which is slidably mobile along the first guide
 - Control rod (at 54, 36) parallel to the first direction, slidably engaged through the first pedal, and connectable with the first pedal for actuating a braking device of the motor vehicle (Fig. 4)
 - Second clamp (44, 50) is actuatable to be clamped for blocking the sliding movement of the first pedal along the control rod (C7 / L11-49).
 - Second actuator device to actuate the second clamp between a second position of clamping of the first pedal along the control rod and a second position of release (C7 / L11-49), wherein at least one of said first actuator device and said second actuator device includes a cable (60), wherein the second clamp comprises a plurality of second clamping members (at 50, 40, 44, 53) carried by the first pedal, distributed around the control rod, and mobile away from and towards the control rod, and the second actuator device comprises a third actuator (84, 60) for displacing the second clamping members from the second position of clamping to the second position of release, and a fourth actuator (72) for displacing the second clamping members from the second position of release to the second clamping position.

Re claim 36

- First pedal (14) for braking of the motor vehicle
- Second pedal (14) for acceleration of the motor vehicle

- Slide (near 36) supporting the first and second pedals
- Adjustment device (Fig. 2 and Fig. 4) for controlling selectively the position of the slide with respect to a frame of the motor vehicle and comprising a crank mechanism (at 14; Fig. 4) set between the slide and the frame
- Adjustment device comprising:
 - First guide (at 18, 20) extending in a first direction and supporting the slide which is mobile along the first guide
 - Control rod (at 54, 36) parallel to the first direction, slidably engaged through the first pedal, and connectable with the first pedal for actuating a braking device of the motor vehicle
 - First pedal is rotatably mounted on the slide for oscillating about a second axis (26) of fulcrum
 - Third clamp (44, 50) provided for blocking angularly the first pedal about the axis of fulcrum, and a third actuator device (84) including a cable (60) and designed to actuate the third clamp between (C7 / L11-49)
 - Third position of clamping (Fig. 4) of the first pedal about the second axis of fulcrum and a third position of release (Fig. 2)

Response to Arguments

Applicant's arguments with respect to claims 25, 35 and 36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL YABUT whose telephone number is (571)270-5526. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:00 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard W. Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Saúl J. Rodríguez/
Supervisory Patent Examiner, Art Unit
3652

/DANIEL YABUT/
Examiner, Art Unit 3656
9/11/2010